INDEX.

Abandonment, acceptance of, Badger v. Ocean Ins.

Abduction of illegitimate offspring, action for, Moritz v. Barnhart, 5.

Account, bill to compel creditor to, in equity, Action, 52, 210, 277; against officer for neglect, Bailey v. Butterfield, 15, Sugdam v. Huggerford, 337; of assumpsit, 52; on the case, 52, 277, 313. Administration of justice, in Scotland, 1; in New

York, 33, 343.

Administrator, dministrator, what action survives against, Goodrich v. Rogers, 208.

Admiralty, 18; appeal, the steamboat New England, 71; libel of review, ib.; decree, ib.; jurisdiction, the Nathaniel Hooper, 133; sentence of foreign court in rem, conclusive, 262. Adultery, what constitutes, Com. v. Call, 46.

Adventures of an attorney in search of practice,

noticed, 220.

Agent and principal, 52, 315, 345; evidence of agent, Rice v. Gove, 82; admissions of agents,

Smith v. Eager, 339.

Agreement, 311, 343; for sale of ship, construction of, Plymouth Cordage Co. v. Sprague, 365. Alien, 18; national character of persons for pur-poses of commerce, Wildes v. Parker, 239

Ambassador, freedom of from arrest, Holbrook v. Henderson, 305.

Ambiguity, 210.

American Cases, 5, 2, 71, 104, 133, 165, 198, 229, 252, 294, 325, 357.

American Jurist noticed, 220.

American Conveyancer, noticed, 221.

Apothecaries, statute of New York, 397.

Appeal, 344; from a decree in admiralty, the steamboat New England, 71; from C. C. P. of Maine, Oaks v. Moore, 120.

Arbitration, 249.

Assets, 210.

Assignment, 311; Driscoll v. Fisk, 10.
Assignment, 32, 89, 211, 311.
Atheists, testimony of, 60, 97.
Attachment, 278, 344; Allen v. Wells, 116; lost by neglect, Sugdam v. Huggerford, 337.
Attorneys at Law, inTexas, 181; in Alabama, 316.

Attorney's bill, 249.

Average, general, 215; what to be considered, Williams v. Suffolk Ins. Co., 77.

Average, particular, wages and provisions of offi-cers and crew while ship undergoing repairs, not a part of, Hall v. Ocean Ins. Co. 42.

Averment, insufficient, Harris v. Com. 244; Com. v. Pearson, 246.

Austin, J. T, his report noticed, 58. Award, Spear v. Hooper, 45.

Bacon, and Coke, compared, 93. Bailment, 312. Banks, and banking, 278; act of legislature of Coke and Bacon, compared, 93.

Massachusetts repealing charter of Chelsea Bank, constitutional, Crease v. Babcock, 83; liability of stockholders of Chelsea Bank, ib.; effect of the suspension of specie payments in Louisiana, Atchafalaya Bank v. Dawson, 85.

Baptists, statute of New York, 347.

Beebce, Pierre Ogilvie, his works, noticed, 349,

Betts, Samuel R., his work on Admiralty Practice, noticed, 60.

Bigamy, 344.

Bills and notes, 18, 52, 211, 249, 279, 312, 344; usury between drawers and holders in action accepter, Wild v. Hobart, 11; statute of Massachusetts, 55; a check presented within twentyfour hours is within a reasonable time, City Bank v. French, 81; agreement between drawer and holder of check no discharge of endorser, ib.; what steps necessary to charge endorser of check, ib; effect of usage, ib; construction of, Rice v. Gove, 82; opinion of Messrs Curtis, 101; usage of trade as to damages, Grant v. Healy, 115; surety entitled to securities deposited by the principal with the creditors, Mitter v. Bank of Bengal; 155; guaranty, McDoal v. Yeomans, 198; acceptor of foreign bill not liable for re-exchange or any charge but interest, Watt v. Riddle, 272; interest, tender, Otis v. Barton, 309, Fletcher v. Robinson, ib.

Boats and vessels, statute of Missouri, 347. Boston Municipal Court, 26, 225, 255.

Bottomry bonds, character of, the ship Vibelia, 149.

Campbell, Sir J., his opinion in the case of the Industry, 260.

Capital punishment, 62; statute of Massachusetts, Capture of neutral ship, The Nathaniel Hooper, 134.

Carrier, common, 212, 313; liability of, Reed v. Dick, 270, Atwood v. Reliance Transportation Co., 200.

Challenge, in Pennsylvania, to fight with fists, in-dictable, Com. v. Whitehead, 148.

Chancery, 89; fraud, 212; practice, ib.; parties to the bill, Hobart v. Andrews, 7; in a bill by the second assignee of a chose in action, the first assignee need not be a party, but under certain circumstances the assignor should be a party, ib.; plaintiff's equity must appear in the stating part of the bill, ib.; when debtor may compel creditor to account in equity, ib.; objection to jurisdiction, when taken too late, Clark v. Flint, 9; effect of judgment against insolvent, ib.; specific performance of contract relating to personal property, ib.; opinion of Messrs Curtis, 101; fraud. Thaxter v. Bradley, 232; trust, ib; statute of Mississippi, 347.

Charter-party, question as to ownership for the voyage, The Nathaniel Hooper, 165.

Coke, Sir Edward, sketch of, 289, 352.

Coleridge, Mr Justice, sketch of, 66.

COLLECTANEA, 128, 192, 223, 256, 288, 352.

Collector of customs, 213.

Collision, where both vessels are in fault, the De Cock, 311.

Commission merchants, Parker v. Brancher, 46; rule of damages for advances made, Grant v. Healy, 113; right of, to sell on credit, Forrestier v. Bordman, 325.

Commission to take evidence, improper questions excluded from, Fulton Bank v. Lewis, 49.

Consuls and seamen, 29. Conspiracy to cheat, Mathews v. Bliss, 48.

Constitutional law, 89, 213. Contempt of court, Com. v. Richardson, 202.

Contract, 19, 313; action on, Eaton v. Dugan, 11; to convey land, Swan v. Drury, 205. Thaxter v. Bradley, 232, Heard v. Bowers, 338.

Conveyance, 19, 53, 279, 344. Copyright, Prussian law of, 12); common law of, Gray v. Russell, 294.

Coroners, unprofessional, 28.

Corporations, 280, 313; sole and aggregate, Overseers of Poor v. Sears, 12; rights of, 213; constitutionality of, Boston Water Power Co. v. Boston and Worcester Railroad Co., 332.

Costs, 19, 280, 344; in salvage cases, The Nathaniel Hooper, 242.

Covenant, 19.

Crimes, statute of Massachusetts respecting ap-

peals and capital punishments, 56

Criminal law, 313; evidence, forgery, intent, Com. v. Whitney, 16; adultery, Com. v. Call, 46; effect of general verdict and special verdict, ib.; additional sentence, Com. v. Mott, 47; an escape not a discharge, ib.; rape, ability to commit, Com v. Lanigan, 49; defective indictment, ib.; what constitutes forgery, Com. v. Chandler, 121; challenge to fight with fists indictable, Com. v. Whitehead, 143; perjury, om. v. Hatstat, 177; facts not material must smetimes be proved if averred, ib.; where a I omer judgment is pleaded in bar, it must apar from the records to have been for the same offence, ib.; witness, Com v. Richardson, 202; indictment, Com. v. Odlin, 242; accomplice, burglary, concealment of birth, confession, 244;

murdet, rape, 250.
CRITICAL NOTICES, 25, 58, 91, 158, 219, 281, 348.
Curtis, C. P. & B. R., opinion on a case stated,

101.

Cushing, L. S., his translation of Pothier on Sale, noticed, 26.

Damages, 20, 53; for non-performance of contract to convey land, Swan v. Drury, 205; of an offi-

cer for an escape, Darst v. Duncan, 246.

Deed, 20, 157, 344; when secondary evidence of, admitted, Valentine v. Piper, 49; tender of, admitted, Valentine v. Piper, 49; tender or, Swan v. Drury, 205; construction of, Thayer v. Clemence, 209; acknowledgment of, 210; alteration of, Chessman v. Whittemore, 276; registry of, ib.; when presumed to have been delivered and when not, Hatch v. Haskins, 367; priority of registry of, ib.

Declaration, 344; in debt, Eaton v. Dugan, 11.

Decree, final, in admiralty, The steamboat New

England, 71.

Depositions, statute of Massachusetts, 45. Devise, 20, 314, 345. DIGEST OF AMERICAN CASES, 18, 52, 89, 157, 210, 277, 311.

High

iden

Illin

Imp

Indi

Inst

Inse

10

3 C

3

a

v Ins

Ins

Inst

U

to

DIGEST OF ENGLISH CASES, 248, 369.

District schoolmaster, not liable to one of the district for refusing to instruct his child, Spear v. Cummings, 277.

Divorce, 345; statute of Maine, 55; of New Hampshire, 346.

Dower, 53, 345.

Duel, statute of Texas, 182; of Kentucky, 316; challenge to fight with fists, indictable, Com. v. Whitehead, 148.

Duties, 215.
Dyott, Dr Thomas W., trial of, 159; sentence of, 222.

Easement, 20.

Ejectment, 157.

ENGLISH CASES, 87, 149, 310.

Equity, 21, see Chancery

Escape, action of debt for an, Darst v. Duncan, 246.

Evidence, 21, 53, 90, 314, 345; not admissible to show that arbitrators were mistaken, Spear v. Hooper, 45; of jurors, Murdock v. Sumner, 47; in an action for a conspiracy to cheat, Matthews v. Bliss, 48; statute of Massachusetts, 57; of agent to prove his agency, Rice v. Gove, 82; of being common seller of rum, Com. v. Odlin, 242; of seaworthiness of vessel, Reed v. Dick, 270; parol, of sale by sheriff, Richards v. Smith-273; circumstancial, 286; admissions of agent, Smith v Eager, 339; of subscription to newspaper, ib; medical, 353; see Criminal Law; of ownership of ships, Plymouth Cordage Co. v. Sprague, 365; parol inadmissible to explain records of registry of deeds, Hatch v. Haskins, 366; of common reputation is not admissible, with other testimony, to prove a copartnership, 369.

Execution, 54.

Executor, Burbank v. Whitney, 119.

Ferry, cannot be gained in Pennsylvania by prescription, Bird v. Smith, 174.

Forgery, what constitutes, Com. v. Chandler, 121. Foreign tribunals, proceedings in, generally conclusive, Bradstreet v. Neptune Ins. Co., 262

Fraud, 54, 215; Mathews v. Bliss, 48; trover for goods obtained by Thurston v. Blanchard, 80; trial of Earl of Stirling, 86; Thaxter v. Bradley, 232; see Chancery.

Fraudulent sale, 280. Freight, The Nathaniel Hooper, 133; general average, 215; when right to, attaches, McGaw v. Ocean Ins. Co , 363.

Goods, confusion of 279. Grant, Bird v. Smith, 174.

Greenleaf, Simon, his opinion in the case of the Industry, 260.

Guaranty, of promissory note, McDoal v. Yeomans, 198.

H.

57,

dis-

r v.

ew

6;

V.

of,

0

r.

f

Highway, 345. Husband and wife, 21, 54; separation, 250.

identity, personal, instances of mistakes in relation

Illinois, seat of government of, 348.

Imprisonment for debt. statute of Alabama, 316; construction of the act of congress respecting, United States v. Hewes, 329.

Industry, case of the, 257.

Insanity, moral, 93.

Insolvent laws, effect of, in relation to debts due to the United States, United States v. Hewes, 328; in relation to process and proceedings of courts of the United States, Darst v. Duncan,

Insolvent law, of Massachusetts, 281; effect of, on attachments, Allen v. Wells, 116; of Pennsyl-vania, construction of, Darst v. Duncan, 357. Insolvents, in Boston, 2e3; in Massachusetts, 319,

Insurance, 21, 157, 315; unseaworthiness from incompetency of master, Copeland v. N. E. M. Ins. Co., 13; technical total loss, Hall v. Ocean Ins. Co., 42; general average, ib; particular average, ib; total loss, Williams v. Suffolk Ins. Co. 77; general average, ib.; evidence, fraudulent representations, Bryant v. Ocean Ins. Co., 82, The Ship Nathaniel Hooper, 133; illegal capture, 216; case of the Industry, seaworthiness, 257; construction of the clause in policies of, relating to seizure or detention, Bradstreet v. Neptune Ins. Co., 262; evidence of sea-worthiness, Reed v. Dick, 270; on freight, when total loss, McGaw v. Ocean Ins. Co., 363; construction of policy, Jackson v. Mass. Fire Ins. Co., 364; insurable interest of mortgagor and mortgagee, ib.; see Freight, Salvage, Average, Bottomry Bonds.

Intoxication, liability of party for injury done while under the effects of, Sullivan v. Murphy,

247.

Jeffreys, Lord, sketch of, 321.

Judicial Urbanity, 254.

Judgment of foreign courts not binding unless notice given to the parties, Bradstreet v. Neptune Ins. Co, 262.

Judgments and executions, 157

Jurisdiction, of foreign courts, Bradstreet v. Neptune Ins. Co., 262; of courts of prize acting in rem, ib.

Jurist, the, noticed, 121.

Jurors, rights of, 187; admissions of, 248 Jury, 22

Jury trials. statute of Missouri, 348. Justices of the Queen's Bench, 65.

Kent, James, his opinion in the case of the Industry, 257.

Kidnapping, trial of Shearer and Turner, 342. Kinne, Asa, his Questions and Answers on Blackstone's Commentaries, noticed, 158, 281.

Land, possession and titles of, statute of Illinois,

Law Magazine, noticed, 26, 92.

Law school in Illinois, 223.

Legacy, to an institution of another state, valid,

Burbank v. Whitney 119. LEGISLATION, of Maine, 55; N. Hampshire, 346; Massachusetts, 55; Connecticut, 90, 346; New York, 347; Maryland, 316; Kentucky, 316; Missouri, 347; Alabama, 316; Mississippi, 347;

Louisiana, 316; Illinois, 22, 348. Texas, 180.

Legislature, rights of, in respect to corporations, Boston Water Power Co. v. Boston and Worcester Railroad Co., 332.

Levy, 346. Lex loci, 216.

Libel. 345. License, to sell spirituous liquors, statute of Illinois, 23; statute of Connecticut, 90, 346; of Mississippi, 347; construction of statute of Massachusetts, Com. v. Richardson, 202, Harris v. Com. 244; Com. v. Odlin, 242; form of indictment. ib.

Lieber, Francis, translation of the Prussian law of

copyright, 129.

Lien, on proceeds of lumber for stumpage, Warren v. Bartlett, 14.

Limitations, statute of, barring penal actions, Goodrich v. Rogers, 208.

Littledale, Mr Justice, sketch of, 66.

Manure, of farm to whom belonging in case of lease, Daniels v. Pond, 13; proper remedy when manure wrongfully carried away, ib.

Massachusetts Register, noticed, 59. Medical Jurisprudence, 353.

Metcalf, Theron, supplement to Revised Statutes, noticed, 59; appointed reporter, 255. Mills, 54.

MISCELLANY, 26, 60, 124, 187, 254, 281, 317.

MONTHLY CHRONICLE, Maine, 192, 255, 286, 350; Vermont, 223, 255; Massachusetts, 31, 63, 94, 125, 159, 192, 221, 255, 320, 350; Connecticut, 32, 63, 223; New York, 31, 63, 94, 126, 222, 330; Indiana; Pennsylvania, 31, 63, 95, 159, 222; Delaware, 223; Maryland, 351; Virginia, 287; South Carolina, 96; Ohio, 32, 126, 287, 330; Indiana, 32; Illinois, 223; Mississippi 96, 126, 330; Georgia, 287, 330; England, 351

Mortgage, 54; Webber v. Mallett, 143; Colby v. Everett, 309; of personal property, statute of

Morton, Governor, 317.

Municipal Court of Boston, 26; history of, 225.

Negligence, measure of damages, 250.

New Hampshire Reports, noticed, 25. New Orleans, commercial court of, statute of

Louisiana, 316. NEW Publications, 32,64, 96, 128, 224, 256,288.

Newspaper, what amounts to a subscription to, Smith v. Eager, 339.

New trial, for mistake of law by jury, Murdock v. Sumner, 47; loss of writ, Whittier v. Whit-tier, 309; because verdict against evidence, Smith v. Eager, 339.

OBITUARY NOTICES, of W. Saurin, 23; Michael O'Sullivan, 23; Charles P. Sumner, 23; Luther

Lawrence, 24; E. W. Ripley, 25; A. T. Jud-son, (error), 56; Jeremiah Cuyler, 56; Thomas Cooper, 56; Aaron Ogden, 57 11. W. Desaus-sure, 47; W. J. Farley, 128; A. S. Claxton, 123; Prince Saunders, 123; J. R. Black, 182; Phinces Miller, 189; David Graber, 182; Phineas Milner, 182; David Graham, 182; William Sullivan, 182; W. W. Bowen, 217; Calvin Pease, 217; Robert Y. Hayne, 217; James C. Alvord, 217; E. Hersey Derby, 251; Mr Justice Vaughan, 251; J. M. White, 251; Thomas Lee, 251; John G. Deane, 251; Theodore Sedgwick, 252; Charles S. Carter, 352; A. G. Goodwin, 352; J. L. Megquier, 352; R. R. P. Pray, 352; John Lowell, 270. R. R. Pray, 352; John Lowell, 370

Officer, action against, for neglect, Bailey v. Butterfield, 15; for an escape, Darst v. Duncan,

246, 357.

Officer's return, on execution, not necessary to validity of title to goods purchased at a sheriff's sale, Richards v. Smith, 273; may be amended, when, ib.; see Evidence.

Overseers of the Poor of town of Boston, a corpo ration aggregate, Overseers of Poor v. Sears, 12.

Parent and child, 315.

Partition, by proprietors of lands, Webber v. Mallett, 143.

Partnership, attachment of separate estate of indi-vidual partners, Allen v. Wells, 116. Pattison, Mr Justice, sketch of, 66.

Pauper, 345.

Penitentiary, statute of Alabama, 316.
Pickering, Octavius, his reports noticed, 26, 59. Postmasters, liability of, Schroyer v. Lynch, 292. Power of attorney, to convey real estate, need not be acknowledged, Valentine v. Piper, 49.

Poor debtors, statute of Maine, 55.

Pound sterling, value of, opinion of Messrs Curtis,

Principal and agent, 315, 345.

Real action, Russell v. Davis. 309, 346. Rent, effects of lodger not liable to distress for, Riddle v. Welden, 78. Reporter of decisions, statute of Mississippi, 347.
Revenue, statute of Illinois, 22

Riots, statute of Massachusetts, 55.

Salvage, The Nathaniel Hooper, 133; when shipper not entitled to, ib. 165; grounds on which salvage is allowed to the owner stated, ib.; costs to be borne by property saved, ib. 242.
Sawyer, Frederick W., his merchants' and ship-

masters' guide, noticed, 348.

School committee, majority of may act, but all must be notified, Jackson v. Hampden, 120.

Seamen may be hired and paid as laborers in certain cases, Hall v. Ocean Insurance Company, 42.

Seaworthiness, evidence of. Reed v. Dick, 270. Sentence, Harris v. Com., 244.

Servant, extent of authority of, Smith v. Eager, 339.

Slander, 315; statute of Alabama, 316; of Mary-land, 316.

Slave, fugitive. case of Stansbury, 104; statute of Maryland, 316.

Spirituous liquors, see License.

State prison, Sing Sing, 29.

Statutes, giving damages by way of recompense not penal, Goodrich v. Rogers, 208; rules of construction of, United States v. Hewes, 329. Steamboats, speed of, statute of New York, 347.

Stirling, trial of pretended Earl of, 86.

Stoppage in transitu, 250.
Story, Joseph, his commentaries on Bailments, noticed, 92; sketch of the life of, 193; his commentaries on Agency noticed, 219; selections from the works of, noticed, 221.

Surety, rights of, Mitter v. Bank of Bengal, 154. Supercargo, rights and duties of, Forrestier v. Bord-

man, 325.

Surplus Revenue, construction statute of Massachusetts, Simmons v. Hannover, 335.

Surveyor, 346.

Texas, constitution of, 180; emigrants to, ib; attorneys at law and physicians in, 181; salaries of officers 182; education, ib; code of laws, ib; duelling, ib.

Thompson, Dr Samuel, report of trial of, noticed,91.

Thurlow, Lord, sketch of, 161.

Tooke, John Horne, anecdote of, 62.

Town officers, tenure of office, Overseers of Poor v. Sears, 12.

Trespass, 250, 346; action of, by tenant in common against his co-tenant for cutting trees, Goodrich v. Rogers, 208; party not liable for personal injury without any default or negli-gence on his part, Sullivan v. Murphy, 247, Cass v. Brown, 309

Trover, for goods when note given in payment, Thurston v. Blanchard, 80; may be maintained by tenant in common of personal property for a sale by his co-tenant, Weld v. Oliver, 83.

Trust, breach of, Buzzell v. Davis, 309. Trustee process, Monk v Colburn, 275; Bell v. White, 309.

Tyson, John R, his discourse, noticed, 348.

University honors, 61. Usury, 216; Wild v. Hobart, 11.

Vender, see Warranty.

Verplanck, Gulian C. speech in N. Y. Senate, 33. Vessels, ownership of, determined by their international character, United States v. Jenkins, 146; under a register and without a license, may be employed on a whaling voyage without being considered foreign, ib.; whaling voyage not a "foreign voyage," Taber v. United States, not a "foreign voyage," Taber v. United States, 298; possession of, when will not be disturbed by a court of Admiralty, The Valiant, 310.

Ware, Ashur, his reports, noticed, 281.

Warranty, express and implied, Mc Farland v. Newman, 301.

Weapons, concealed, statute of Alabama, 316. Whale ships, see Vessels.

Will, Burbank v. Whitney, 119.

Williams, Mr Justice, sketch of, 66. Witness, exclusion of for unbelief, 60, 97; power of court to compel, to testify before grand jury, Com. v. Richardson, 202; pecuniary liability will not excuse from testifying, ib.

Writ of error, Harris v. Commonwealth, 244; Sargent v. French, 309.

of

m-ons 4. rd-

at-ies *b*;

m-es, for li-

nt, ed

v.

3. er-is, ie, ut ge

er y, ty